REMARKS

Claim 11 stands objected to because of an informality. More specifically, "the control data" in line 3 lacks antecedent basis. Accordingly, Applicant amended claim 11 as suggested by the Examiner to remove "the" and provide proper antecedent basis. Withdrawal of the objection is respectfully requested.

Claim 10 stands rejected to under 35 U.S.C. 112 as being indefinite. In response, Applicant amended the claim to clarify that the "another phase plate" is within the optical storage apparatus. For this reason, withdrawal of the §112 rejection is respectfully requested.

Claims 1-9 and 11 stand rejected under 35 U.S.C. 102(e) as being anticipated by Yamashita et al. (U.S. Patent No. 6,392,972). In response, Applicant amended independent claims 1-2 and 6, and respectfully traverses because the cited reference does not disclose (or suggest) a phase plate capable of being controlled at arbitrary inclination angles.

Yamashita is directed to an optical storage unit having a dual position optical phase adjuster. Yamashita teaches a phase plate which is switched between two fixed positions, and not an arbitrary position. That is, Yamashita has a phase plate switch between land and groove positions, depending on whether the reproduce signal is obtained from a land or a groove of the optical recording medium (See FIG. 7). Yamashita teaches that the phase plate can only be switched to one of the two fixed positions with respect to the same type of the optical recording medium.

In contrast, as illustrated in FIG. 6 of the present invention, the position of the phase plate 122 is controlled to an arbitrary inclination angle by a coil 123 and magnet 124 within a predetermined variable range depending on a type of optical recording medium. More specifically, the phase plate 122 can assume any arbitrary position within a predetermined variable range.

The phase compensation quantity, which is determined by the position or inclination angle of the phase plate, varies depending on the track pitch, the groove depth or the like of the optical recording medium. That is, the phase compensation quantity varies depending on the type of the optical recording medium. Since the phase plate of Yamashita can be positioned only at one of two fixed positions, Yamashita can perform phase composition for only one type of optical recording medium, unlike the present invention.

The present invention advantageously provides phase compensation with respect to a plurality of types of optical recording media since the phase plate can be arbitrarily set to different inclination angles within the predetermined variable range. For these reasons, independent claims 1-2 and 6, and their associated depending claims are considered allowable, and withdrawal of the §102 rejection is respectfully requested.

New claim 12 directed to an optical storage apparatus is allowable claim 10 written in independent form. For this reason, Applicant earnestly solicits allowance of new claim 12.

For all of the foregoing reasons, Applicant submits that this Application is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

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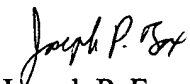
By 

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